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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Note verbale dated 17 October 2007 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

The Permanent Mission of Turkey to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to paragraph 23 of the report of the Secretary-General entitled "Protecting human rights and fundamental freedoms while countering terrorism" (A/62/298).

The said paragraph of the report wrongly refers to the terrorist organization PKK as the "Communist Party of Kurdistan". The PKK is a terrorist organization proscribed as such by a number of countries and international organizations, including the United States of America and the European Union. It has been waging a vicious terrorist campaign against Turkish interests at home and abroad for more than 20 years, causing the loss of the lives of nearly 35,000 people. Its financing comes mainly from drug trafficking and arms smuggling, in addition to extortion, money-laundering, organized crime and various other forms of illegal activities. The money collected from these activities is funnelled to finance terrorist acts perpetrated by this terrorist organization.

Furthermore, paragraph 23 of the above-mentioned report contains information that may be misinterpreted as if there might be a risk of mistreatment in case of extradition of criminals to Turkey. Turkey has adopted a "zero tolerance policy" against torture and ill-treatment. The success of this policy has been acknowledged in particular by the European Committee for the Prevention of Torture. Therefore, the said paragraph is indeed misleading in view of the fact that the achievements of Turkey in the elimination of torture have been widely commended by relevant international institutions. An informational note on Turkey's policy to combat torture and ill-treatment is attached to the present note (see annex).

The Permanent Mission of Turkey would appreciate it if the present note verbale and its annex could be circulated as a document of the sixty-second session of the General Assembly under agenda item 70 (b).

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Annex to the note verbale dated 17 October 2007 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Informational note
Turkey's policy on combating torture and ill-treatment

The fight against torture and ill-treatment remains among priority items in the ongoing reform process in Turkey. The "zero tolerance policy" adopted by Turkey against torture and ill-treatment is indeed the reflection of the Turkish Government's resolve in this direction.

In line with this zero tolerance policy, a comprehensive set of legislation has been introduced in recent years as part of the overall reform process and substantial progress has been achieved in the implementation of the measures taken in this direction.

Turkey is party to all relevant international instruments at global and regional forums, and duly maintains close and constructive cooperation with the special mechanisms of international organizations tasked with the fight against torture and ill treatment, among which are in particular, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Committee against Torture.

Turkey became party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 1 February 1989, thereby recognizing the competence of the Committee for the Prevention of Torture, the Convention's monitoring body, which to date represents the most advanced system in the field. According to the provisions of the Convention, Committee for the Prevention of Torture delegations have unlimited access to places of detention and the right to enter such places without restriction. In principle, Committee for the Prevention of Torture reports are confidential unless the country in question authorizes their publication. Turkey, for the sake of transparency, decided in 2001 to authorize publication of all Committee for the Prevention of Torture reports on Turkey, which are available on the Committee's website.

The success of zero tolerance policy in particular and the reforms achieved in relation to the relevant legislation were acknowledged by the Committee for the Prevention of Torture itself as early as in 2004. The President of the Committee for the Prevention of Torture, in her statement at the Committee of Ministers' Deputies at the Council of Europe on 13 October 2004, underlined the following in respect of the achievements in Turkey with regard to the fight against torture and ill-treatment:

> "... the legislative and regulatory framework necessary to combat effectively torture and other forms of ill-treatment ... has been put in place — to be frank, it would be difficult to find a Council of Europe member State with a more advanced set of provisions in this area ..."

The latest Committee for the Prevention of Torture report, made public in September 2006, has also underlined the efficiency of the zero tolerance policy of the Turkish Government against torture and all forms of ill-treatment.

Likewise, within the United Nations framework, Turkey honours its treaty obligations as a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this regard, Turkey also signed the Optional Protocol to the Convention against Torture on 14 September 2005 in New York, during the United Nations Summit, as testimony to its commitment to strengthening its national and international human rights machinery.

Its signature was a new step forward in the implementation of Turkey's zero tolerance policy against torture and ill-treatment. The process of ratification is still under way, whereby necessary consideration is being given to possible modalities for the creation of independent national monitoring mechanisms. In this process, works of other countries concerning the formation of such independent monitoring mechanisms at the national level are also taken into consideration. In this context, the present process also includes contacts with civil society, through which the views of relevant non-governmental organizations are asked as regards the formation of independent monitoring mechanisms.

Furthermore, in the United Nations human rights system, Turkey, as a country which extended a standing invitation to United Nations special procedures, continues to enjoy close cooperation with both special rapporteurs and working groups of the United Nations extra-conventional mechanisms tasked with related issues in the fight against torture and ill-treatment.

As can be clearly seen in view of the foregoing, the zero tolerance policy against torture and ill-treatment remains firmly implemented with the necessary resolve of the Turkish Government and administration through close and constructive cooperation with the relevant international organizations and mechanisms.